

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Jeffries

September 1, 2011

An act to add Section 2787.5 to the Penal Code, relating to fire suppression.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as introduced, Jeffries. Fire suppression: state prison inmate fire crews: reimbursement of costs.

(1) Existing law requires the Department of Forestry and Fire Protection to take various actions to prevent and suppress forest fires in the state and to coordinate firefighting response activities. Existing law also authorizes members of the California Conservation Corps and state prison inmates under the supervision of the California Department of Corrections and Rehabilitation (CDCR) to participate in fire prevention and suppression, and other emergency fire response activities under the direction of the department.

This bill would require that the CDCR, upon appropriation by the Legislature, annually allocate funds available to the CDCR to reimburse the Department of Forestry and Fire Protection for its costs associated with the administration of the state prison inmate fire crew program. The bill would require that the Department of Finance work with both the CDCR and the Department of Forestry and Fire Protection to resolve any disputed reimbursement amounts.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on

December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) The use of California inmate fire crews is recognized as an
- 3 important rehabilitation opportunity for eligible California
- 4 Department of Corrections and Rehabilitation (CDCR) state prison
- 5 inmates.
- 6 (b) The partnership and participation of the Department of
- 7 Forestry and Fire Protection staff in the coordination, operation,
- 8 and supervision of the CDCR state prison inmate rehabilitation
- 9 program is a vital component of its success.
- 10 (c) The Department of Forestry and Fire Protection should be
- 11 reimbursed by the CDCR for the costs associated with the operation
- 12 of the state prison inmate fire crew program.
- 13 SEC. 2. Section 2787.5 is added to the Penal Code, to read:
- 14 2787.5. (a) Notwithstanding Section 2787, the California
- 15 Department of Corrections and Rehabilitation, upon appropriation
- 16 by the Legislature, shall annually allocate available funds to the
- 17 Department of Forestry and Fire Protection to reimburse that
- 18 department for its costs associated with the administration of the
- 19 state prison inmate fire crew program.
- 20 (b) The Department of Finance shall work with both the CDCR
- 21 and the Department of Forestry and Fire Protection to resolve any
- 22 disputed reimbursement amounts.
- 23 SEC. 3. This act addresses the fiscal emergency declared and
- 24 reaffirmed by the Governor by proclamation on January 20, 2011,
- 25 pursuant to subdivision (f) of Section 10 of Article IV of the
- 26 California Constitution.

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